

June 28, 2019

Ms. Nicole Reedy  
Morris & Ritchie Associates, Inc.  
1220-C E. Joppa Road, Suite 505  
Baltimore, Maryland 21286

Re: Williams Fields at Perry Hall  
Forest Conservation Variance  
FC 06-19-3032

Dear Ms. Reedy:

A request for a variance from the Baltimore County Code Article 33, Title 6 Forest Conservation was received by this Department of Environmental Protection and Sustainability (EPS) on June 24, 2019. This request proposes to remove one specimen tree for the construction of phase two of a residential development. This tree is outside of the forest in an agricultural field area. There are 26 specimen trees on site and all of the remaining trees are in an existing Forest Conservation Easement.

The Director of EPS may grant a special variance to the Forest Conservation Law in accordance with criteria outlined in Section 33-6-116(d)(1) of the Code. There are six (6) criteria listed in Subsection 33-6-116(d) and (e) that shall be used to evaluate the variance request. One (1) of the criteria under Subsection 33-6-116(d) must be met, and all three (3) of the criteria under Subsection 33-6-116(e) must be met, in order to approve the variance.

The first criterion (Subsection 33-6-116(d)(1) of the Code) requires the petitioner show the land in question cannot yield a reasonable return if the requirement from which the special variance is requested is imposed and will deprive the petitioner of beneficial use of his property. The applicant is seeking to develop phase two of an approved residential subdivision. The site currently contains an agricultural field and an area of Forest Conservation Easement and Forest Buffer Easement. Residential development can occur on this property without impact to the specimen tree. Full application of the law to the entire property would not result in unwarranted hardship to the applicant, and we find that this criterion has not been met.

The second criterion (Subsection 33-6-116 (d)(2) of the Code) requires that the petitioner show that his/her plight is due to unique circumstances and not the general conditions of the neighborhood. The site has been in agricultural use with recorded Forest Buffer/Forest Conservation easements adjacent to the field. The specimen tree in question is the only tree in the farm field. There are residential uses that surround the property and therefore the circumstances here are unique and not related to the conditions of the neighborhood. Therefore, we find the second criterion has been met.

The third criterion (Subsection 33-6-116(d)(3) of the Code) requires that the petitioner show that the special variance requested will not alter the essential character of the neighborhood. The property has previously been approved for residential use, and is phase two of a development. The property is surrounded by residential development. The removal of the specimen tree dswill not change the character of the neighborhood. Therefore, we find that this criterion has been met.

The fourth criterion (Subsection 33-6-116(e)(1) of the Code) requires that the granting of the special variance will not adversely affect water quality. All sediment and erosion control techniques will be met during and after construction and stormwater management will be added on site. Therefore, we find that granting of the special variance will not adversely affect water quality, and that this criterion has been met.

The fifth criterion (Subsection 33-6-116(e)(2) of the Code) requires that the special variance request does not arise from a condition or circumstance that is the result of actions taken by the petitioner. The petitioner has not started construction and is seeking all permits and approvals. Therefore, this criterion has been met.

The sixth criterion (Subsection 33-6-116(e)(3) of the Code) requires that the Director of EPS find that the special variance, as granted, would be consistent with the spirit and intent of Article 33 of the Baltimore County Code. Allowing additional parking is consistent. Therefore, this criterion has been met.

Based on our review, this Department finds that all of the required criteria have been met. Therefore, the variance request is hereby approved, in accordance with Section 33-6-116 of the Baltimore County Code contingent with the following conditions:

1. Add the following note to all plans for this project: "A Forest Conservation Special Variance was approved by the Baltimore County Department of Environmental Protection and Sustainability to allow the removal of one specimen tree."

This variance approval does not exempt future development of this site from complying with Baltimore County's Forest Conservation Law. It is the intent of this

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Department to approve this variance. Any changes to site layout may require submittal of revised plans and an amended variance request.

If you have any questions regarding this correspondence, please call Ms. Regina Esslinger at (410) 887-3980.

Sincerely yours,

David V. Lykens  
Director

c: Marian Honeczy

Williams Fields FCVA 6.28.19/FCVA/rae/shreir